

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID #
Customer RID	<input checked="" type="checkbox"/>	24 hours	?
Internal Staff RID	?	10 working days	<input checked="" type="checkbox"/>
		As time available	?

1. Project Name: NA

2. Project Number: NA

(Plat #, Zoning Case #, etc.)

3. Project Street Address: NA

(If not available nearest intersection of two public streets)

4. Applicant Name: Jeff Tondre, P.E.

5. Applicant Address: Vickrey & Associates, Inc.

6. Applicant Telephone #: (210) 349-3271

7. Applicant e-mail Address: www.vickreynet.com

8. Rule in Question:

(Section and/or policy of UDC, Building Code, Master Plan, etc)

UDC Section 35-503(a)(3) adopted May 3, 2001 states that the park dedication provision does not apply to a subdivision of less than twenty-five lots.

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: July 14, 2004

Contact: Jeff Tondre

Contact Telephone #: (210) 349-3271

The applicant is challenging the park dedication requirement under the above rule.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Following adoption of the UDC in May of 2001 it was determined that Section 35-503(a)(3) was not adopted in accordance with the intent of the author of the UDC nor the stakeholders involved in the UDC review process. The intent of an exception for park dedication for plats of less than 25 lots was intended for single-family

development. It was the intent of the stakeholders that park dedication was applicable to multi-family projects in the same ratio. However it was recognized that 25 single family lots was not the same as 25 multi family lots since the majority of multi-family projects occur on one lot consisting of upwards of 200 plus dwelling units.

Date: July 14, 2004 **Contact:** Bill Telford **Contact Telephone #:** (210) 207-7879

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

The staff identified the need to properly address the park dedication issue relative to multi family development. The City Council approved a UDC amendment to change the word “lot” to “dwelling” so as both single family and multi-family projects would be treated equitably. The amendment was adopted May 1, 2003 as follows:

35-503 Parks/Open Space Standards

(a) Applicability

(3)The provisions of this Section do not apply to:

- A. A proposed subdivision which includes less than twenty-five (25) dwellings; or

Date: July 14, 2004 **Contact:** Bill Telford **Contact Telephone #:** (210) 207-7879

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: August 2, 2004 **Effective Date of policy/action:** same

As pointed out by staff, the statute in question was amended by City Council on May 1, 2003 to replace the word “lot” with the word “dwelling”. Ordinance 97568 which included the amendment has been posted on the City’s web site since June of 2003.

Since this is a clarification of an amendment to the UDC the department will continue to enforce the UDC as amended.

Florencio Peña III, Director
Development Services Department